



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health – Board of Physical Therapy

- ☒ Preproposal Statement of Inquiry was filed as WSR 04-07-178 ; or  
☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or  
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice  
☐ Supplemental Notice to WSR \_\_\_\_\_  
☐ Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject) **WAC 246-915-050 -- Reinstatement.** If a practitioner has allowed their license to expire for over three years and the practitioner has not been in active practice in another United States jurisdiction, the practitioner must successfully pass the examination as provided in RCW 18.74.035, and meet the requirements of 246-12 WAC, Part 2. Rules are required to allow the Board to waive reexamination and to impose any other requirements necessary to ensure professional competence before allowing the practitioner to reinstate their license to practice. In addition, rules are required to change the current title of the rule from "Expired License" to "Reinstatement". The change better describes the intent of the section.

Hearing location(s): Department of Health  
310 Israel Rd SE  
Room 152  
Tumwater, WA 98501

**Submit written comments to:**

Name: Kris Waidely, Program Manager  
Address: 310 Israel Rd SE  
Tumwater, WA 98501  
e-mail [kris.waidely@doh.wa.gov](mailto:kris.waidely@doh.wa.gov)  
fax (360)664-9077 by (date) November 5, 2004

Date: November 16, 2004 Time: 9:30 a.m.

Date of intended adoption: November 16, 2004  
(Note: This is NOT the effective date)

**Assistance for persons with disabilities: Contact**

Kris Waidely, Program Manager by November 5, 2004

TTY (800) 833-6388 or (360) 236-4847

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposed rule gives the Board latitude in determining whether or not an individual has maintained some level of professional competence. Proof of professional competence should not be limited to reexamination except where no other alternatives exist. Under the proposal the Board could require a period of clinical observation to assure the public that the practitioner is apprised of current practices and trends. Currently, the rules require reexamination for a practitioner whose license has been expired for two years and has not been in active practice in another United States jurisdiction. The Board feels two years is too restrictive and would like the term changed to three years.

**Reasons supporting proposal:** The proposed rule creates a reasonable opportunity for applicants to show, on a case-by-case basis, proof of competence through clinical observations, proof of professional practice in a related or allied health care field, etc. Increasing clarity in the language benefits those seeking reinstatement. The Board worked closely with stakeholders to develop a rule that was worded in a way that recognizes the Board's expertise in these matters but at the same time, does not limit reinstatement applicants to retaking the national exam, which if failed, could jeopardize their licensure status in other states. The change of language does not create any new requirements and there is no added financial impact.

**Statutory authority for adoption:** RCW 18.74.023**Statute being implemented:** RCW 18.74.023**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

**DATE**

August 30, 2004

**NAME (type or print)**

Kris Waidely

**SIGNATURE****TITLE** Program Manager**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

OCT 4 2004

TIME

WSR

AM

PM

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

none

Name of proponent: (person or organization) Department of Health

- ☐ Private  
☐ Public  
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Kris Waidely, Program Manager	310 Israel Rd SE, Tumwater, WA 98501	(360) 236-4847
Implementation.....Kris Waidely, Program Manager	310 Israel Rd SE, Tumwater, WA 98501	(360) 236-4847
Enforcement..... Kris Waidely, Program Manager	310 Israel Rd SE, Tumwater, WA 98501	(360) 236-4847

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Kris Waidely  
Address: PO Box 47868  
Olympia, WA 98504-7868

phone (360) 236-4847  
fax (360) 664-9077  
e-mail [kris.waidely@doh.wa.gov](mailto:kris.waidely@doh.wa.gov)

☒ No. Explain why no statement was prepared.

An SBEIS is not required because the cost to implement the proposed rules does not exceed the threshold. The more than minimum cost threshold from "804 Office of Clinics and Other Healthcare Practitioners" is set at \$110.00.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Kris Waidely  
Address: PO Box 47868  
Olympia, WA 98504-7868

phone (360) 236-4847  
fax (360) 664-9077  
e-mail [kris.waidely@doh.wa.gov](mailto:kris.waidely@doh.wa.gov)

☐ No: Please explain:

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

**WAC 246-915-050 ((~~Expired license.~~) Reinstatement.** (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over three years, and the practitioner has been in active practice in another United States jurisdiction, the practitioner must:

(a) Submit verification of active practice from any other United States jurisdiction;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

(3) If the license has expired for over three years, and the practitioner has not been in active practice in another United States jurisdiction, the practitioner must (

~~(a) Successfully pass the examination as provided in RCW 18.74.035. The board may waive reexamination in favor of evidence of continuing competency satisfactory to the board,~~

~~(b) Must meet the requirements of chapter 246-12 WAC, Part 2))~~  
meet the requirements of chapter 246-12 WAC, Part 2. Before recommending reinstatement, the board may require reexamination and may impose any other requirements necessary to ensure professional competence and protect the public.